

1 DECLARATION OF VICKI J. AZNARAN

2 —I, VICKI J. AZNARAN, hereby declare as follows:

3 1. I am over 18 years of age and a resident of the State
4 of Texas. I have personal knowledge of the matters set forth
5 herein and, if called upon to do so, could and would competently
6 testify thereto.

7 2. From 1972 until 1987, I was a member of various Church
8 of Scientology ("Church") entities. During that time I held a
9 number of important positions in the corporate and ecclesiastical
10 hierarchy of the Church. I was also a devout believer in the
11 religion of Scientology. In March of 1987, my husband Richard
12 Aznaran and I left our positions with the Church and returned
13 home to Texas from California. At the time we left, Richard and
14 I voluntarily executed certain releases and waivers in full
15 settlement of any and all disputes we had with the Church. In
16 April 1988, notwithstanding our execution of those releases and
17 waivers, Richard and I filed a lawsuit against several Church
18 entities and individuals in the United States District Court for
19 the Central District of California.

20 3. During the time I was a senior Church executive, I
21 gained first-hand knowledge of the manner in which some apostate
22 former Church members had pursued civil claims against the
23 Church, and obtained successful verdicts or judgments or
24 favorable settlements notwithstanding the merits. The courts
25 consistently allowed the Church's adversaries leeway to introduce
26 allegations without regard to the normal rules of procedure and
27 evidence. At the time, this was a source of great concern to me,
28 both as a Scientologist and a Church executive, particularly

1 since my staff duties included responsibilities regarding certain
2 areas of litigation.

3 4. Thus, having participated in Scientology litigation
4 both as a Church executive and as a litigant against the Church,
5 I bring two distinct, but related, perspectives to this
6 declaration from my personal knowledge and observation. First,
7 at the time my husband and I brought our own suit I understood
8 that the legal system could be used to pursue my position.
9 Later, upon having sued various Scientology churches and having
10 allied myself with other litigants and their counsel suing
11 Scientology churches, I observed first hand the ways in which the
12 legal system is successfully used by litigants and counsel
13 opposing the Church.

14 5. The fundamental premise upon which the Church's
15 adversaries and their lawyers operate is the likelihood that
16 courts and juries are willing to believe any allegation made
17 against the Church by a former member, without regard to
18 plausibility, contrary evidence or the true facts. That concept
19 was most succinctly expressed, on videotape, by anti-Scientology
20 litigant, Gerald Armstrong, when he stated that a lack of
21 documents or evidence was no impediment to litigating against the
22 Church when the litigant can "just allege it." The active
23 pursuit of that litigation approach has now led to the formation
24 of a small group of disaffected Scientologists who are now
25 employed by an even smaller number of attorneys who are making a
26 practice of litigating against the Church. This stable of
27 witnesses can be relied upon to furnish "corroberation" for any
28 allegation which an attorney wishes to make against the Church in

1 pleadings, at deposition, in affidavits, and ultimately in trial
2 testimony.

3 6. The process of "just alleging it" begins with the
4 complaint. For example, in the complaint which was filed on our
5 behalf against the Church, there were numerous allegations which
6 were either false or which we could not substantiate. When I was
7 initially deposed in our case, I conceded that numerous portions
8 of the complaint should not have been drafted by counsel in the
9 fashion they were. Thus, for example, in deposition in June,
10 1988, I testified that the allegation in paragraph 7 of our
11 complaint, that the "[Church] organizations were created solely
12 for the purpose of making money from the sale of copyrights of
13 the book Dianetics..." was not true. I testified that I did not
14 create corporate structures within the Church and that I do not
15 know where this allegation in paragraph 16 of our complaint came
16 from.

17 7. There were several other improper or incorrect
18 allegations which should not have appeared in the complaint that
19 I had to acknowledge in deposition. As another example, the
20 complaint alleged in paragraph 16 that I worked for Author
21 Services, Inc., in managing the sales of copyright of the book
22 Dianetics. In deposition I testified that I never worked for
23 Author Services, Inc. and was not aware of any such sale of
24 copyrights.

25 8. Paragraph 16 of the complaint included the allegation
26 that I had been employed as a "missionaire" to remove assets of
27 Defendant Church of Scientology of California to overseas trusts
28 where they could not be accessed. This allegation was false, and

1 it was not an allegation that either my husband or I requested be
2 included in the complaint. I was definitely not employed for
3 that reason, and I have never claimed that I was.

4 9. It was also alleged in paragraph 16 of the complaint
5 that I was employed as a "missionaire" to "set up sham corporate
6 structures to evade prosecution generally." This allegation is
7 also false. I was never employed for that purpose. I had never
8 even heard of that allegation until I read it in the filed
9 complaint. I did not make that allegation, and I do not know
10 where it came from.

11 10. Paragraph 12 of the complaint contains the false
12 allegation that my husband and I were forced to "involuntarily
13 abandon [our] identities, spouses, and loyalties...." My
14 deposition testimony established that this was not the case. For
15 example, my husband used to engage in his hobby of target
16 shooting during his years in the Church. We had pets, including
17 a German shepherd which my husband trained in his spare time. I
18 took riding lessons. I also trained in karate, because I was
19 interested in learning that discipline. These were all ways in
20 which my husband and I expressed our individuality while on staff
21 and demonstrate no abandonment, forced or otherwise, of our
22 individual interests.

23 11. My husband and I both testified to numerous separate,
24 factual errors in the complaint. Our attorney firm, Cummins &
25 White, and later our subsequent counsel, Ford Greene, were aware
26 of these errors to which we testified. Even though we asked them
27 to, no attempt to file a corrected or amended complaint was ever
28 made, nor did any such correction ever occur.

1 12. The abusive device most consistently utilized by
2 litigants and counsel adverse to the Church occurs in connection
3 with the filing of declarations or affidavits. It is common
4 knowledge among the stable of disaffected ex-Scientologists who
5 supply such sworn statements that the attorneys dictate the
6 desired content of such testimony with the primary, often sole,
7 purpose of presenting inflammatory accusations that prejudice the
8 Church in the eyes of the court. In such declarations or
9 affidavits, context, the truth, and relevance to the issues in
10 the case are disregarded altogether. As time has passed and this
11 technique has evolved, anti-Church litigants and their counsel
12 have become more and more emboldened in making such declarations
13 and affidavits because the tactic has proven to be so effective
14 in poisoning courts and juries against the Church.

15 13. The most common and probably the most devastating
16 manifestation of this tactic is the use of allegations concerning
17 the so-called "Fair Game" policy of the Church. The term "Fair
18 Game" has been misrepresented and repeatedly used by the Church's
19 litigation adversaries as a means to create prejudice against the
20 Church. To accomplish that end, counsel fashions a declaration
21 in which the witness identifies an ugly event -- real, imagined,
22 or just plain invented -- and then alleges that it was a
23 deliberate act which was committed by the Church. The idea is to
24 create the false impression that the Church is committing acts of
25 retribution in pursuit of "Fair Game."

26 14. A central element of exploiting the "Fair Game" tactic
27 is to make certain that the allegations are crafted so they
28 cannot be objectively disproved. In other words, the declarant

1 makes an allegation of a bad or harmful or harassing act that
2 cannot be documented in a tangible form and then alleges that it
3 was done by the Church pursuant to the Fair Game "policy." By so
4 doing, the declarant has put the Church in the impossible
5 position of trying to prove a negative and trying to prove it
6 without documentation. It becomes a matter of the declarant's
7 word against that of the Church, and by making the act alleged
8 sufficiently despicable, the result is prejudice against the
9 church.

10 15. The Fair Game policy was a policy to forward
11 Scientology's belief that any attacks on Scientology by those
12 seeking to destroy it were to be vigorously defended by legal
13 means and never ignored. It was not a policy condoning or
14 encouraging illegal or criminal activities. The policy was
15 misinterpreted by others and was thus canceled. It has since
16 been used by litigants over the years as a vehicle to give
17 credibility to allegations to try to prejudice courts against
18 Scientology. An event happens such as someone's wife dies in a
19 car accident, and the allegation is made that this is a murder
20 committed by the Church pursuant to "Fair Game" policy. This
21 technique is known to those who attack the Church and so they
22 continue to use this term to try to prejudice the courts. These
23 people feel comfortable making scandalous allegations, knowing
24 that the Church does not have such a policy. I am unaware of any
25 allegations of "Fair Game" being made by persons who have simply
26 left the Church. Rather, the charges of Fair Game are invariably
27 made by parties who have subsequently become involved in
28 litigation with the Church and who have started working with

1 other anti-Scientology litigants familiar with this tactic.
2 16. It has been my experience that these litigants and
3 lawyers become emboldened because the history of Scientology
4 litigation demonstrates that virtually any charge leveled against
5 the Church in litigation by an avowed enemy, no matter how
6 outrageous or unfounded, will be accepted and believed. Based on
7 my experience it is a matter of common knowledge that efforts by
8 the Church to refute such prejudicial allegations have commonly
9 not been believed in the courts.

10 17. Thus, it has become a routine practice of litigants to
11 make accusations against the Church, including even false
12 allegations of threats of murder, which would be summarily thrown
13 out of court as unsupported and scandalous in other litigation.
14 They do it because it works, and they do it by deliberately
15 mischaracterizing the term "Fair Game". They do it as an
16 intentional means to destroy the reputation of the Church in the
17 context of litigation so that they can win money or force the
18 Church to settle.

19 18. The term "fair game" has become a catch phrase for
20 those who attack the Church. When I was in the Church I never
21 heard it referred to as a policy to be used, the only time it was
22 discussed was in reference to litigation in which it was being
23 alleged by Church adversaries. When I was in the Church, I knew
24 that litigants opposing the Church were constantly making fair
25 game allegations against us and that those allegations were
26 nonsense. I also know the frustration those allegations caused
27 because of the willingness of courts and juries to embrace them.
28 From my experience in litigating against the Church, I can see

1 that nothing has changed in this regard. I also know from my
2 experiences in suing the Church and from my association with
3 other litigation adversaries of the Church that they know that
4 "Fair Game" as they portray it is not Church policy. "Fair Game"
5 exists only as a litigation tactic employed against the Church.

6 19. There are other things I have seen and experienced in
7 anti-Scientology litigation that seem very unusual to me. There
8 is a group or "team" of anti-Scientology witnesses who are being
9 paid for their testimony, and based on my experience, this
10 testimony is being altered and falsified, either by the witnesses
11 themselves or the attorneys. For example, Graham Berry, counsel
12 of record for a defendant in the case of CSI v. Fishman, filed
13 numerous declarations from ex-Scientists after the lawsuit
14 was dismissed which had been purchased for many thousands of
15 dollars. Mr. Berry told me that these payments were made
16 possible because his client had insurance coverage.

17 20. In February of 1994, Mr. Berry called my husband and me
18 and offered to hire us at the rate of \$125 per hour for us to
19 study materials in the Fishman case and to write declarations
20 supporting issues Mr. Berry wished us to support in the Fishman
21 case. Mr. Berry gave us an advance of \$2,500, which we were
22 expected to bill against services rendered. He told us that
23 because his client in the Fishman case had insurance coverage,
24 the insurance money enabled him to do this. He said he was able
25 to get the insurance company to pay our salaries by naming us as
26 "experts", which also enabled the use our declarations without
27 regard to whether we were actually witnesses to the events at
28 issue in the Fishman case, which we were not.

1 21. Mr. Berry told us he had assembled a team of former
2 scientologists for use in litigation, all of whom were employed
3 by him in the Fishman case as so-called experts. Although we
4 were not eager to get involved in Fishman's litigation, we agreed
5 to do because the \$2,500 advance by Mr. Berry was attractive.
6 Mr. Berry sent us some documents from the court record in the
7 Fishman case, which I read, since I was being paid \$125 per hour
8 to do so.

9 22. I know from subsequent conversations I have had that
10 Andre Tabayoyon is similarly employed, as are Vaughn and Stacy
11 Young and others, each paid to create declarations for Mr. Berry
12 when he needs them. On the basis of my knowledge of the Church
13 and the declarants, I can state that these individuals are not
14 "experts" in any recognized sense of the word as I understand it.
15 They are nothing more than witnesses who are being paid to make
16 sworn statements against the Church. More than just being paid,
17 they are actually employed by Mr. Berry as a source of signed
18 declarations of testimony or as a "source" of allegations, the
19 need for such is decided by him.

20 23. Later in February 1994, Mr. Berry called us again. He
21 said that the Church had dismissed the Fishman case and he needed
22 declarations from us on an immediate basis for use in his motion
23 to recover attorneys fees and costs. I thought this was odd,
24 since it seemed to me that one would support such a motion with
25 receipts, bills, invoices, and such. Even though it seemed
26 senseless to provide declarations after the case was dismissed, I
27 told him I would provide a declaration because he had already
28 paid and I would rather have done this than return the money he

1 had paid us. He then told us what areas of testimony he wanted
2 us to cover in the declarations. Accordingly, I transmitted to
3 Mr. Berry's firm a eight-page declaration which I had prepared on
4 my word processor and signed on the last page bearing the date of
5 February 24, 1994.

6 24. I recently learned that Mr. Berry actually filed a
7 nineteen-page declaration purportedly signed by me. Mr. Berry
8 attached my signature to a declaration which I never saw or
9 authorized.

10 25. Passages inserted without my knowledge or authorization
11 in the version of my declaration filed by Mr. Berry include
12 statements that are untrue and/or about which I have no personal
13 knowledge. Not only did I not make these statements, I never
14 heard of them before. The following are some examples of these
15 falsities:

16 a) In my declaration there are statements
17 concerning "Project Quaker" which are false. In fact I
18 have never heard of "Project Quaker," and the statement
19 in the version of my declaration Mr. Berry filed
20 (paragraph 7) was not in the declaration I sent to Mr.
21 Berry. It could not have been as I have never heard of
22 "Project Quaker";

23 b) The statements in the filed declaration
24 concerning the death of Michelle Miscavige's mother
25 were added to without authorization by me. This
26 included mention of the death of Heber Jantzsch's wife
27 which is not something I had ever spoken to Mr. Berry
28 about, and I have no knowledge and never heard anything

1 that indicated there was anything unusual about Mr.
2 Jantzsch's wife death. She died of natural causes.
3 The statements concerning Flo Barnett's death were not
4 put in context and were not meant to imply that there
5 was any wrongdoing surrounding her death.

6 In approximately September 1985, when I was the
7 Deputy Inspector General of Religious Technology Center
8 ("RTC"), I learned that Mary Florence Barnett, Mrs.
9 Miscavige's mother, had committed suicide. She had
10 been involved with a group of disaffected former
11 Scientologists who practiced altered versions of
12 Scientology. I only know that after hearing about her
13 death, both David and Shelly Miscavige were very upset
14 over the fact that Flo Barnett had killed herself. I
15 also wish to make known that I have seen mention in an
16 affidavit by Vaughn Young that David Miscavige ordered
17 the matter "hushed up." This was stated in the context
18 of indicating wrongdoing on Mr. Miscavige's part and
19 insinuating he had some participation in the matter. A
20 careful and literal reading of the statement shows that
21 Mr. Young never actually says he knows Mr. Miscavige
22 was involved in this suicide, or that there was any
23 evidence of such, but by innuendo his statement still
24 leaves this impression. To my knowledge there was
25 never any order by David Miscavige or anyone else to
26 keep the matter quiet. If any such order existed, it
27 would most likely have been given to me. And since I
28 took actions to make the matter quite well known and

1 never heard anybody, let alone David Miscavige, ask for
2 the matter to be hushed up, I know this statement and
3 the innuendo to be false;

4 c) the entirety of paragraph 16 on page 10 of the
5 declaration filed by Mr. Berry concerning L. Ron
6 Hubbard and the IRS was written by someone other than
7 me and was inserted into my declaration without my
8 knowledge or authorization. This entire paragraph
9 makes unfounded and outrageous allegations intended to
10 create the impression that David Miscavige or any other
11 Scientologist would want Mr. Hubbard to die in order to
12 avoid supposed IRS problems. This is unthinkable to
13 any Scientologist, and I never heard this or any
14 similar statement made by anyone in the Church.

15 d) Paragraph 13 of the declaration claims that "Earle
16 Cooley Esq. and others convinced the San Luis Obispo coroner
17 not to do an autopsy on Hubbard's body" implying there was
18 something hidden or covered up about Mr. Hubbard's death.
19 This is false. It was not written by me and I know of no
20 such thing. I was in a position to have knowledge of this
21 matter and I know that Mr. Hubbard died of natural causes
22 and the statement attributed to me is a complete
23 fabrication.

24 e) There is also a statement made in paragraph 18 that
25 Mike Rinder's child received "Hubbard's baby care
26 technology." The implication is that the child's death had
27 something to do with Scientology which I never believed to
28 be the case. I did not make this statement and have no

1 information that this was the case.

2 f) In fact, paragraphs 21, 22, 23, 24, 25, 26, 27, 28,
3 29, 30, 31, 32, 33, 34, 35A and 35B were not in the version
4 of the declaration that I sent to Mr. Berry to be filed. He
5 added them after the fact, and I never saw them before this
6 declaration was filed and I never gave authorization for Mr.
7 Berry to add any of these things to my declaration.

8 g) The statements concerning the Church of
9 Scientology International ("CSI") and whether the Time
10 article concerned CSI, and the corporate structure of
11 the Church (paragraph 20) were also not in the version
12 I signed and sent to Mr. Berry. And again, I know the
13 statement to be entirely false.


14 h) One other point I wish to clarify concerning
15 the use of "End of Cycle." There is nothing in
16 Scientology writings which relates the term "End of
17 Cycle" to connote murder or suicide. To my knowledge,
18 this characterization of the term "End of Cycle" was
19 invented by Steven Fishman. I have never heard this
20 term used by the Church to mean "suicide" or "murder"
21 and even though I am a disaffected ex-Scientologist, I
22 know it to be a false allegation. Its only use is to
23 smear the Church for litigation purposes as detailed
24 earlier. I earlier verbally told Mr. Berry this when
25 he first contacted me for this exact information.

26 26. I gave no authorization for my declaration to be
27 changed after I sent the signed copy of it to Mr. Berry and the
28 changes made to my declaration were made without my knowledge or

1 consent. Mr. Barry never contacted me after he filed the
2 manufactured 19 page version of my declaration. Had I not later
3 obtained a copy of the declaration filed by Mr. Barry from
4 another source, I never would have found out about any of these
5 alterations.

6 I declare under the penalty of perjury under the laws of the
7 United States of America, and under the laws of each individual
8 state thereof, including the laws of the states of California and
9 Texas, that the foregoing is true and correct.

10 Executed this 19th day of May, 1994 in Dallas, Texas.

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13 VICKI J. AZNARAN
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